



PATENT
DOCKET NO.: 12383/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : J. McCrossin et al.
SERIAL NO. : 09/443,038
FILED : November 18, 1999
FOR : METHOD AND SYSTEM FOR PROVIDING LOCAL INFORMATION OVER A NETWORK
GROUP ART UNIT : 3624
EXAMINER : Kelly Scaggs Campen

HON. COMMISSIONER
FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

APPELLANT'S BRIEF

SIR:

This brief is in furtherance of the Notice of Appeal, filed in this case on May 4, 2004.

1. REAL PARTY IN INTEREST

The real party in interest in this matter is First Aura, LLC.

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2. RELATED APPEALS AND INTERFERENCES

There are no related appeals.

3. STATUS OF THE CLAIMS

Claims 1-3, 7, 9-10, 14-19, and 23-24 are pending in this application.

Claims 1-3, 7, 9, 10, 14-19, 23, and 24 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention.

Claims 1, 2, 3, 7, 9, and 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over PCT Patent No. WO 98/04088 to Bonnaure et al. (“Bonnaure”) and “A Proposal for a Geographic-Based Address Structure for IPv6” to Ye (“Ye”). Claims 10, 14, 15, 19, 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonnaure, Ye and further in view of U.S. Patent No. 5,032,989 to Tornetta (“Tornetta”).

4. STATUS OF AMENDMENTS

There are no un-entered amendments.

5. SUMMARY OF THE INVENTION

The presently claimed invention pertains to a method and system for providing local information to a user over a network such as the Internet. For example, in the method recited in claim 1, information is collected at a first computer system (e.g., a server 40 as in Fig. 1) and organized into a plurality of web-sites. Each of the web-sites (1) is addressable by a unique URL and (2) has a physical location associated with it. A user has assigned to him/her a web-site (i.e.,

a user web-site). Then, links to a subset of the remaining web-sites are selected based on a relationship between the physical locations associated with these remaining web-sites and the user web-site. As an example, a user (e.g., computer 11 in Fig. 1) located in San Francisco may be assigned a user web-site that has associated with it a URL and the San Francisco location. The URL, however, points to a computer system such as a server that could be anywhere (e.g., Nebraska). A variety of other web-sites are collected at the server. In this case, some of the web-sites have a location associated with it that are in San Francisco while others are associated with New York and Washington locations. Thus, when “selecting” from these web-sites, a comparison can be made between the location associated with the user web-site with the locations associated with the remaining web-sites. In such a manner, those web-sites for New York and Washington locations can be filtered out (e.g., as irrelevant) to a user located in San Francisco having assigned to it a user web-site with an associated URL and San Francisco location.

6. ISSUES

- A. Are claims 1-3, 7, 9, 10, 14-19, 23, and 24 indefinite under 35 U.S.C. § 112 and fail to particularly point out and distinctly claim the subject matter which the applicants regard as the invention?
- B. Are claims 1, 2, 3, 7, 9, and 16-18 unpatentable under 35 U.S.C. § 103(a) over Bonnaure in view of Ye?
- C. Are claims 10, 14, 15, 19, 23 and 24 unpatentable under 35 U.S.C. § 103(a) over Bonnaure, Ye and further in view of Tornetta?

7. GROUPING OF CLAIMS

Claims 1-3, 7, 9, 10, 14-19, 23, and 24 may be grouped together for the purpose of this appeal only.

8. ARGUMENT

A. Legal Background

Under 35 U.S.C. § 102(b), a claim is invalid if the invention claimed therein is described in a patent issuing more than one year prior to the filing of the subject patent application. Though a patent reference may have issued early enough, that reference must also enable one skilled in the art to practice the claimed invention. See Akzo N.V. v. U.S. Int'l Trade Comm'n, 1 U.S.P.Q.2d (BNA) 1241, 1245 (Fed. Cir. 1986).

Absent anticipation it may be possible to combine two or more patents together to render a claimed invention obvious, and unpatentable, under 35 U.S.C. § 103(a). In determining whether the claims are unpatentable it is necessary to look to what the references actually teach. “It is impermissible within the framework of § 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” In Re Wesslau, 147 U.S.P.Q. (BNA) 391, 393 (C.C.P.A. 1965). Accordingly, a prior art reference must be considered in its entirety, and portions thereof must be taken in proper context. MPEP § 2141.02; Bausch & Lomb, Inc. v. Barnes-Hind, Inc., 230 U.S.P.Q. (BNA) 416, 419 (Fed. Cir. 1986).

B. Arguments

1. The §112, Second Paragraph Rejections

The claims as currently pending satisfy the requirements of 35 U.S.C. § 112, second paragraph. In a previous Office Action, the pending claims were so rejected. After an interview with the Examiner's predecessor, the claims were amended and submitted for approval. The Office Action from which this Appeal is taken simply repeats the paragraphs of the earlier rejection of the claims without specifically addressing why the amendments to the claims do not obviate this rejection. The language, in claim 1 for example, "each of said first web-sites being identified by a physical location" is not indefinite. A web-site is a collection of web pages where each web page is addressable by a unique URL. With such a data collection, the claim language seeks to identify that web-site by a physical location. Accordingly, Appellants contend that the rejection of the claims under 35 U.S.C. § 112, second paragraph is in error and respectfully request this rejection be reversed.

2. The § 103(a) Rejections

To assist in understanding differences between the claimed invention and the cited references, some terms are defined below.

"Universal Resource Locator" (URL) as defined in RFC 1738 is a string of characters made up of the following components:

<scheme>:<scheme-specific-part>

The general format for a <scheme-specific-part> is

//<user>:<password>@<host>:<port>/<url-path> in which the <user>:<password>@ is often

omitted along with the :<port>.

<host> may either be a domain name server (DNS) defined name or an IP address. When specified as a DNS name, it is mapped to one or more IP addresses. Eventually, this <host> points to a single physical computer that will provide the requested resource.

"Web site" is a collection of web pages, each web page having a unique URL. All pages within a web site have an identical initial <scheme-specific-part> differing only in the final parts of the <url-path>.

"Link" is a reference to a web page from another web page.

One physical machine may (and often does) support multiple web sites.

A concept recited in the pending claims relates to the establishment of links on web pages based on geographic proximity of the information content represented by the web sites to each other. In one example, this is done by identifying each web site by a geographic location. For example, one web site has associated with it the coordinates of 41.327113, -073.828090. These coordinates are not encoded and placed within the IP address for the server or even within the URL for the web site. They are kept in a pair of columns within a database that contains all of the information for this web site and many others.

Using this coordinate, when particular pages are displayed on this web site, links are generated on this web site that point to web pages on other web sites that have been identified by

a geographic location near the geographic location identified by this web site.

Ye's example shows encoding locations of physical entities into IP addresses. Ye's whole premise is based on location of a physical entity and has nothing to do with cyberspace.

Bonnaure is dealing with solving physical problems, not cyberspace mapping. Bonnaure relates to mapping cyberspace entities into the physical world and associating one cyberspace entity with another based on how they are mapped into the physical world. Moreover, taking Ye in connection with Bonnaure would not lead one to the claimed invention.

Nowhere in the cited references is it taught or suggested that web-sites, each with a URL, are each identified by a physical location. Moreover, nowhere in the cited references is it taught or suggested to present links to a web-site based on the relationship between the physical locations assigned to them.

Bonnaure refers to the so-called Web-TV service. In this service, each client has a set-top box that is able to access the Internet (e.g., through a standard phone line) and present information from the Internet on the attached television set. The set-top box also accepts control inputs from the user. Bonnaure, at page 18 discloses that a client network address is provided that is linked to the set-top box of the user. The client network address can be associated with the geographical location of the set-top box. The geographical information is gleaned from information from the user's telephone number (i.e., through the area code and exchange).

Ye concerns a geographic-based scheme for IP addresses. As known in the art, routers in the Internet system maintain data on IP addresses so that data intended for a particular IP address can be "routed" to another, appropriate router or other destination. To reduce the amount of data needed, Ye suggests that IP addresses reflect a geographic location. When a router receives data with such an IP address it would then compare the address to its own location to determine

whether the data should be re-directed to a router location North, South, East or West of the current router, etc. Thus, the amount of data needed at each router is significantly reduced.

Looking at claim 1, for example, there are several steps that are neither taught nor suggested by Bonnaure and Ye, taken singularly or in combination. First, the claim recites the organization of information into a plurality of web-sites, where each web site is addressable by a URL and has a physical location associated with it. This feature is not even remotely discussed in the Bonnaure or Ye references. In Bonnaure, the set-top box has a client network address that is associated with a physical location. In Ye, the IP address (not a web-site or URL as stated in the Office Action) has a physical location encoded in the address itself. Thus, neither of these references refer to a web-site as recited in the claim. It should be noted that multiple URLs may map to a single IP address. In the present invention, several different locations may be associated with a single IP address because each web-site is associated with its own URL and physical location. For example, an IP address may point to a server located in Nebraska, but several URLs may be associated with the same server even though, according to an embodiment of the present invention, the locations associated with each URL may be outside of Nebraska.

In the second step, a web-site is assigned to a user. In no fashion is this feature taught or described in Bonnaure and/or Ye. In Bonnaure, the only assignment is the client network address, which corresponds to the user's set-top box. Though web-sites may be accessed by a user in the Bonnaure and Ye systems, neither teaches assigning a web-site to a user as recited in claim.

Third, the selecting step refers to selecting links to a plurality of web-sites based on the relationship between physical locations associated with the user's web-site and remaining web-sites. Again, this feature is not found in Bonnaure and/or Ye. The Office Action points to page

20, lines 17-23 of Ye as disclosing this feature. As discussed above, the concepts described in Ye deals with routing data based on geographically-encoded IP addresses. There is no selection from a plurality of web-sites discussed at all in Ye. Based on the foregoing, claim 1 is allowable in view of the Bonnaure and Ye references. Since independent claims 16 and 17 also include these limitations, these claims are also allowable in view of these references.

Claim 25 refers to a method where information is provided to a user from a merchant if the physical location associated with the merchant web-site is within a local area. The Office Action states that Bonnaure discloses this feature at Page 19, para.2, lines 5-9 and page 22, para. 2. The cited sections, however, do not pertain to the claimed features. On page 19, Bonnaure describes a WebTV system where a user requests a business transaction and the WebTV server selects a delivery station geographically close to the client. On page 22, Bonnaure further describes the WebTV system, where a user sends the geographic information for his/her set-top box to third-party so that it can optimize the transaction with the user. As stated above, Bonnaure fails to describe associating a web-site with a physical location, a feature recited in claim 25. Accordingly, claim 25 is allowable in view of the cited references. Since claims 2-15, 18-24, and 26-43 depend from and further define independent claims 1, 17, and 25, these claims are also allowable.

Notwithstanding the foregoing, there are several features in the dependent claims that are not taught or suggested by Bonnaure, Ye, or the additional Tornetta reference. For example in claim 6, the physical location of the user web-site can be modified by a user at a second time. In Bonnaure, the physical location of the set-top box is what is stored as geographic information for a user. In Ye, a GPS system is not used to reassociate a physical location with an IP address. Instead, once a device is placed (e.g., in an office), a GPS system may be used to figure out the

server's location so that the appropriate IP address can be formulated (a concept remote from the presently claimed invention). Claim 15 refers to selecting a geographic "local area" for a user web-site where the local area is a circle that includes a threshold number of telephone connections. None of the references, including Tornetta, discusses this feature. The recited section in Bonnaure merely talks of how a telephone number reveals location information. Claim 12 refers to selecting a geographic local area for a user web-site where the local area is a zip code area includes the user's web-site physical location.

In view of the above, the rejection of claims 1-3, 7, 9-10, 14-19, and 23-24 under 35 U.S.C. § 103(a) is in error and should be reversed on this appeal.

9. CONCLUSION

Appellant respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's decision rejecting claims 1-3, 7, 9-10, 14-19, and 23-24 under 35 U.S.C. §§ 103(a) and 112, second paragraph, and direct the Examiner to pass the case to issue.

The Commissioner is hereby authorized to charge the appeal brief fee of \$165.00 and any additional fees which may be necessary for consideration of this paper to Kenyon & Kenyon Deposit Account No. 11-0600. A copy of this sheet is enclosed for that purpose.

Respectfully submitted,



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APPENDIX

(Brief of Appellant James McCrossin et al.

U.S. Patent Application Serial No. 09/443,038)

CLAIMS ON APPEAL

The claims in their current form are presented below:

1. A method of providing information to a user comprising:
collecting information at a first computer system;
creating a plurality of first web-sites at said first computer system from said information,
each of said first web-sites being addressable by a unique Universal Resource Locator (URL)
and each of said first web-sites being identified by a physical location;
assigning one of said first web-sites to a user as a user web-site; and
selecting links to a plurality of said first web-sites, other than said user web-site, for
presentation on said user web-site based on a relationship between the physical locations
identified by said first web-sites and the physical location identified by said user web-site.

2. The method of claim 1 further comprising:
accessing said user web-site by said user.

3. The method of claim 1 wherein said location associated with said user web-site is the physical location of a computer system of said user.

4. – 6.

7. The method of claim 2 wherein the user's computer system is coupled to the first computer system via the Internet

8. The method of claim 7 wherein the user's computer system is coupled to the Internet via a telephone connection and said physical location is based on a location of said telephone connection.

9. The method of claim 1 further comprising:

defining a local area relative to said physical location associated with said user's web-site such that the physical locations associated with said selected links to the plurality of first web-sites is in said local area.

10. The method of claim 9 wherein said local area is a circular area having a predetermined radius from the physical location associated with said user's web-site.

11. – 13. (Currently Withdrawn)

14. The method of claim 9 wherein said local area is a circular area having a radius from said physical location associated with said user's web-site such that said circular area includes a threshold amount of entities.

15. The method of claim 14 wherein said entities are telephone number connection locations.

16. A method of providing information to a user comprising:
collecting information at a first computer system;
creating a plurality of first web-sites at said first computer system from said information, each of said first web-sites being addressable by a unique Universal Resource Locator (URL) and each of said first web-sites being identified by a physical location;
assigning one of said first web-sites to a user as a user web-site;
selecting links to a plurality of said first web-sites, other than said user web-site, for presentation on said user web-site based on a relationship between the physical locations identified by said first web-sites and the physical location identified by said user web-site; and
accessing said user web-site by a second user.

17. A system for providing information to a user comprising:
a first computer system adapted to collect information and organize said information into a plurality of first web-sites, each of said first web-sites being addressable by a Universal Resource Locator (URL) and each of said first web-sites being identified by a physical location, said first computer system further adapted to assign one of said first web-sites to a user as a user web-site and present links to a plurality of said first web-sites, other than said user web-site, on

said user web-site based on a relationship between the physical locations identified by said first web-sites and the physical location identified by said user web-site.

18. The system of claim 17 wherein said first computer system is adapted to define a local area relative to said physical location associated with said user's web-site such that the physical locations associated with said selected links to the plurality of first web-sites is in said local area.

19. The system of claim 18 wherein said local area is a circular area having a predetermined radius from the physical location associated with said user's web-site.

20. – 23. (Currently Withdrawn)

23. The system of claim 18 wherein said local area is a circular area having a radius from said physical location associated with said user's web-site such that said circular area includes a threshold amount of entities.

24. The system of claim 23 wherein said entities are telephone number connection locations.

25-43 (Currently Withdrawn)